

Practitioner's Docket No. MPI93-006CP1DV1ACN1DV1M

REMARKS

In response to the Restriction Requirement dated November 18, 2004, Applicants hereby elect Group IV, Claims 27, 28, 29, and 34-43, drawn to an isolated C140 receptor (SEQ ID NO:63) polypeptide (or the recited portions thereof) encoded by a nucleic molecule which hybridizes under stringent conditions to SEQ ID NO: 62, classified in class 536, subclass 23.5, with traverse.

Applicants hereby reserve the right to further traverse the above restriction with respect to non-elected Groups I-III and V-VIII in this or subsequent applications.

The Restriction Requirement mailed November 18, 2004 is being traversed for the following reasons:

The Examiner has divided the 17 claims of the present application into 8 groups, divided according to polypeptide SEQ ID NO. However, both groups I and III are drawn to an isolated mouse C140 receptor polypeptide, SEQ ID NOS: 2 and 61, encoded by a nucleic acid which hybridizes to the mouse genomic DNA and to the nucleotide sequence of a mouse cDNA, respectively. Similarly, both groups II and IV are drawn to an isolated human C140 receptor polypeptide, SEQ ID NOS: 4 and 63, encoded by a nucleic acid which hybridizes to the human genomic DNA and to the nucleotide sequence of a human cDNA, respectively.

Applicants believe that the Examiner's grouping method ignores unifying features of the sequences. Applicants prefer to consider the sequences to be grouped according to animal species. For example, the C140 receptor polypeptides, SEQ ID NOS: 4 and 63, encoded by the human cDNA and human genomic DNA are related and substantially similar (91.8% identical; see attached Exhibit A). Applicants submit that the burden to search the polypeptide encoded by both the human cDNA sequence (SEQ ID NO:63 for the polypeptide; and SEQ ID NO:62 for the nucleotide) and human genomic (SEQ ID NO:4 for the polypeptide, and SEQ ID NO:3 for the nucleotide) sequence does not constitute an undue burden.

Applicants are hopeful that the Examiner agrees to the proposed modification and will approve Applicants' proposal to elect a proposed Group which merges the Examiner's Groups IV and II and incorporates claims drawn to the human C140 receptor polypeptides, SEQ ID NOS:63 and 4, encoded by both the human cDNA clone (SEQ ID NO: 62) and human genomic DNA (SEQ ID NO:3).

In that scenario, a non-elected group would merge groups I and III and would incorporate claims drawn to the mouse C140 receptor polypeptides, SEQ ID NOS: 2 and 61, encoded by both the mouse cDNA clone (SEQ ID NO: 60) and mouse genomic DNA (SEQ ID NO:1).

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In hopeful anticipation that the Examiner agrees with Applicants' proposed groupings, Applicants have canceled claims 29, 31, 33, 42 and 43; have amended claims 27, 28, 30, 32, and 34-41; and added new claims 44-47; drawn to the subject matter of the Examiner's groups IV and II. But to be fully responsive, Applicants elect group IV. Support for new claims 44-47 can be found in the specification for example, at page 12, line 11, and page 12, line 25. No new matter has been added. Claims 27, 28, 30, 32, 34-41, and 44-47 are pending.

If the Examiner needs further explanation of Applicants' grouping logic, the Examiner is encouraged to call the undersigned at the phone number listed below.

This paper is being filed timely as a request for a one month extension of time is filed concurrently herewith. No additional extensions of time are required. In the event any additional extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Entry of the remarks made herein is respectfully requested.

January 18, 2005

Respectfully submitted,

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